

## SUBCHAPTER E—GENERAL CONTRACTING REQUIREMENTS

### PART 327—PATENTS, DATA, AND COPYRIGHTS

#### Subpart 327.3—Patent Rights Under Government Contracts

327.303 Solicitation provision and contract clause.

#### Subpart 327.4—Rights in Data and Copyrights

Sec.

327.404-70 Solicitation provision and contract clause.

327.409 Solicitation provision and contract clause.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

SOURCE: 74 FR 62398, Nov. 27, 2009, unless otherwise noted.

#### Subpart 327.3—Patent Rights Under Government Contracts

##### 327.303 Solicitation provision and contract clause.

The Contracting Officer shall insert the clause at 352.227-11, Patent Rights—Exceptional Circumstances and any appropriate alternates in lieu of FAR 52.227-11 whenever a Determination of Exceptional Circumstances (DEC) involving the provision of materials has been executed in accordance with Agency policy and procedures calls for its use and 352.227-11 appropriately covers the circumstances. The Contracting Officer should reference the DEC in the solicitation and shall attach a copy of the executed DEC to the contract.

[79 FR 49018, Aug. 19, 2014]

#### Subpart 327.4—Rights in Data and Copyrights

##### 327.404-70 Solicitation provision and contract clause.

The Contracting Officer shall insert the clause at 352.227-70, Publications and Publicity, in solicitations, contracts, and orders that involve requirements which could lead to the contrac-

tor's publishing the results of the award.

[74 FR 62398, Nov. 27, 2009, as amended at 79 FR 49018, Aug. 19, 2014]

##### 327.409 Solicitation provision and contract clause.

The Contracting Officer shall insert the clause at 352.227-14, Rights in Data—Exceptional Circumstances and any appropriate alternates in lieu of FAR 52.227-14 whenever a Determination of Exceptional Circumstances (DEC) executed in accordance with Agency policy and procedures calls for its use. Prior to using this clause, a DEC must be executed in accordance with Agency policy and procedures. The Contracting Officer should reference the DEC in the solicitation and shall attach a copy of the executed DEC to the contract.

[79 FR 49018, Aug. 19, 2014]

### PART 328—BONDS AND INSURANCE

#### Subpart 328.3—Insurance

Sec.

328.301 Policy.

328.311 Solicitation provision and contract clause on liability insurance under cost-reimbursement contracts.

328.311-2 Agency solicitation provisions and contract clauses.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

SOURCE: 74 FR 62398, Nov. 27, 2009, unless otherwise noted.

#### Subpart 328.3—Insurance

##### 328.301 Policy.

It is HHS policy to limit the Government's reimbursement, of its contractors' liability to third persons for claims not covered by insurance in cost-reimbursement contracts, to the Limitation of Funds or Limitation of Cost clause of the contract. In addition, the amount of the Government's reimbursement cannot exceed the final judgments or settlements approved in writing by the Government.